

REMARKS

All of the claims pending in this application are rejected under 35 U.S.C. 103(a) as being unpatentable over Lungren (6,092,050) in view of Fredell (2001/0028364).

Applicants note that Fredell has a filing date of 02/14/2001 and claims priority from provisional application 60/182,796 filed 02/15/2000.

Applicants have previously filed in this application a Declaration under 37 C.F.R. 1.131 showing conception of their invention prior to the effective date of 01/21/2000 of Baer (6,611,840) and diligence up to their filing date. Consequently after review and a Pre-Appeal Brief Review, Baer was removed from consideration based on the 1.131 Declaration.

Fredell's effective date of 02/15/2000 comes after Baer's date of 01/21/2000. Therefore, Applicants respectfully request that Fredell also be removed from consideration in the present application.

Having removed Fredell, the rejection under 35 U.S.C. 103(a) is moot because the citations listed for all of the pending independent claims (1, 7-12) require use of Fredell in their rejection. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 103(a) and allowance of all of the pending claims (1-12).

The Application is deemed in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707, 707.07(d) and 707.07(j) in order that allowable claims can be presented, thereby placing the application in condition for allowance without further proceedings being necessary.

Respectfully submitted,

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